

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

TYRONE WHITE

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CR. NO: 3:05-CR-0234-A

MOTION TO DISCLOSE DEFENSE WITNESSES

COMES NOW the United States of America, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and files the instant motion to have Defendant (“White”) disclose Defense witnesses as follows:

1. On November 21, 2005, White filed a Notice of Defenses. (doc. # 57). Included within the Notice was specific reference to a public-authority defense. Such a notice requires the United States to respond within ten days of receiving a defendant’s notice of a public-authority defense. Fed. R. Crim. P. 12.3(a)(3). On December 1, 2005, the United States filed its response. (doc. # 81).

2. Once White raised a public-authority defense, the United States became entitled, upon written request, to the name, address, and telephone number of each witness he intends to rely on to establish that defense. Fed. R. Crim. P. 12.3(a)(4)(A). White then has seven days to respond with the requested witness information. Fed. R. Crim. P. 12.3(a)(4)(B).

3. Accordingly, the United States respectfully requests this Court order White to comply with Fed. R. Crim. P. 12.3(a)(4)(A) by providing the name, address, and telephone number of each witness he intends to rely on to establish a public-authority defense.

Respectfully submitted this the 2nd day of December, 2005.

LEURA GARRETT CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Julian McPhillips, Esquire.

Respectfully submitted,

LEURA GARRETT CANARY
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